

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Sina Environmental, Inc.  
11875 Dublin Boulevard,  
A100  
Dublin, California 94568  
EPA ID No. CAR000002774

Respondent.

OAH FILE #: L-2002120749

Docket HWCA 01/02-3009

STIPULATION AND ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control  
(Department) and Sina Environmental, Inc. (Respondent) enter into  
this Stipulation and Order (Order) and agree as follows:

1. The Department issued an Enforcement Order against  
Respondent on Aug. 20, 2002, and a First Amended Enforcement  
Order on June 19, 2003. The First Amended Enforcement Order is  
attached as Exhibit 1.

1.1. Respondent alleges that it is without assets  
sufficient to conduct a defense of the First Amended Enforcement  
Order. The Department takes no position on Respondent's  
allegation.

2. The Department and Respondent wish to avoid the  
expense of further litigation concerning the First Amended  
Enforcement Order.

3. Jurisdiction exists pursuant to Health and Safety  
Code section 25187.

4. Respondent waives any right to a hearing in this matter.

5. This Order shall constitute a compromise resolution and full settlement with Respondent of the violations alleged in the First Amended Enforcement Order. This Order does not limit the Department from taking enforcement action against persons other than Respondent, including M. Margaret Salter aka M. Margaret Salter Carrington, concerning the violations alleged in the First Amended Enforcement Order. This Order also does not limit the Department from taking enforcement action against Respondent or any other persons concerning violations not alleged in the First Amended Enforcement Order.

6. Respondent admits that the Department has a prima facie case against Respondent for the violations alleged in the First Amended Enforcement Order.

6.1. For purposes of this action, Respondent does not admit that the violations alleged in the First Amended Enforcement Order are factually correct or without defense; however, for the purposes of any subsequent action brought by the Department against Respondent under the Hazardous Waste Control Law, Health and Safety Code section 25100 et seq., and solely for those purposes, Respondent agrees the facts and violations alleged the First Amended Enforcement Order shall be deemed admitted.

#### SCHEDULE FOR COMPLIANCE

7. Respondent shall comply with the following:

7.1. Respondent shall immediately forfeit its hazardous waste transporter registration with the Department.

7.2 Respondent will never again apply for a hazardous waste transporter registration with the Department, and will not engage in any hazardous waste transportation that requires any type of authorization from the Department at any time in the future.

#### PENALTY

8. Respondent stipulates and agrees to the full administrative penalty assessed in the First Amended Enforcement Order, in the amount of \$235,300. Respondent also stipulates and agrees that this Order may be immediately converted into a judgment against Respondent for \$235,300 under Health and Safety Code section 25184.1.

#### OTHER PROVISIONS

9.1 Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

9.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such

failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

9.3. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or its agents related to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents related to this Order.

9.4. Effective Date: The effective date of this Order is the date that it is signed by the Department.


9.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except in a writing that is signed by both parties.

Dated: 8/15/03

  
Sina Environmental, Inc.  
Respondent

By: M. Margaret Salter aka M.  
Margaret Salter  
Carrington  
President

Dated: 7/2/03

  
Stephen Sterling  
Chief, Task Force Support and  
Special Investigations Branch  
Department of Toxic Substances  
Control